

# Municipal LAW

& L I T I G A T I O N   G R O U P

DALE W. ARENZ (1935-2022)  
DONALD S. MOLTER, JR. (Retired)  
JOHN P. MACY  
H. STANLEY RIFFLE (Court Commissioner)  
ERIC J. LARSON  
REMZY D. BITAR

730 N. GRAND AVENUE  
WAUKESHA, WISCONSIN 53186  
Telephone (262) 548-1340  
Facsimile (262) 548-9211  
Email: [ribtar@ammr.net](mailto:ribtar@ammr.net)

PAUL E. ALEXY  
LUKE A. MARTELL  
SAMANTHA R. SCHMID  
CHRISTOPHER R. SCHULTZ  
LUCAS C. LOGIC  
GREGORY M. PROCOPIO  
ADAM J. MEYERS  
SAVANNA M. GAIN  
JAIME L. STAFFARONI  
HAILEY R. LIPINSKI  
SAVANNAH H. ZUZICK

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STEPHEN J. CENTINARIO, JR.

May 26, 2026

Jennifer Poyer, Village Clerk  
Village of Kronenwetter  
1582 Kronenwetter Drive  
Kronenwetter, WI 54455

**Re: Elections Ordinance Review**

Dear Ms. Poyer:

This letter provides our review and comments on the elections ordinance proposed for the Village of Kronenwetter. On balance, we do not recommend proceeding with this ordinance.

At the outset, we want to note that this ordinance goes beyond the terms of similar ordinances that are commonly found in other neighboring communities. Many other local municipalities simply include provisions stating their municipality adopts and will abide by the applicable state statutes for elections, rather than repeat all of the provisions or attempt to incorporate additional provisions. It is also worth noting that the current Village of Kronenwetter election ordinance (Village Code Chapter 41) does this and generally proceeds in the same manner as many of the other local municipalities.

At certain points, the ordinance references “Republicans” and “Democrats” when referring to the two predominant political parties. While it may be generally true that those political parties are the typically dominant parties that the provisions of Chapter 7 of the Wisconsin Statutes apply to, the statutes themselves do not apply necessarily to those specific parties, but rather the “the 2 recognized political parties which received the largest number of votes for president, or governor in nonpresidential general election years.” As such, we recommend against referring specifically to the “Republican” and “Democrat” parties in the ordinance, as another party could technically fill one of those political party provisions as contemplated in the statutes.

Currently, the ordinance is not in final format. If the Village wants to proceed with the same, it will need to be put into final form with a preamble, recitals and other standard ordinance provisions.

**The Ordinance**

The current Village Code (Chapter 41) states that election officials shall be appointed pursuant to Wis. Stat. §7.30. This is what many of the other Marathon County communities do. The proposed ordinance gets rid of that general incorporation and instead references various provisions of Wis. Stat. §7.30. It may be simpler to just incorporate and abide by Wis. Stat. §7.30

rather than incorporate numerous provisions separately, which would also decrease the risk of inconsistency with the statutes.

## **Section 41.1 Election Worker Nomination and Approval**

### Election Workers

Section 41.1(1) (A) states the Village Clerk has determined a maximum of 35 election workers are needed to conduct efficient elections. This term may create conflict with Wis. Stat. §7.30(1), which specifically addresses the number of election officials that serve. Wis. Stat. §7.30(1)(a) specifically states, in relevant part:

Except as authorized under par. (b), there shall be 7 inspectors for each polling place at each election. . . A municipal governing body may provide for the appointment of additional inspectors whenever more than one voting machine is used or wards are combined under s. 5.15 (6) (b). . . Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of polling places.

It is our understanding that the Village only has one polling place, such that this creates a potential inconsistency in the actual number of election officials required by statute or as authorized by ordinance. We also have concern where the ordinance states the “number of election workers may be raised or lowered” by Village Board resolution, as reduction to less than 7 per polling place may only be done under specific statutorily authorized circumstances.

Section 41.1(1)(a) also states "The requirements of the §7.33 (2) may be waived for the upcoming term, by Village Board resolution." However, this is inconsistent with the provisions of Wis. Stat. §7.33(2) which state that "municipal clerks" may grant exemptions from service, not the Village Board.

### Acquiring Nominees

Section 41.1(1)(b)(2) requires the creation of an election inspector application that contains specific information, stating that additional information may be requested but is not required. We have some general concerns that this may lead to unequal treatment and requests for information for certain applicants but not others. This, along with the other provisions of this ordinance, creates many affirmative obligations on the Village Clerk. Nothing in Chapter 7 addresses application procedure for nominees who wish to serve as election officials or inspectors, and the language of Section 41.1(1)(b) creates obligations and procedures that are not common in Marathon County or other local municipalities.

### Appointment

Section 41.1(1)(C)(2) references Wis. Stat. §7.30(4)(a). However, it does not include are apply all relevant provisions, creating potential conflict where Wis. Stat. §7.30(4)(a) allows for appointments to occur at a special meeting if there is no regularly scheduled December meeting for an odd-numbered year. Again, it may be simpler and more accurate to incorporate statutory provisions than to paraphrase/restate them.

Section 41.1(1)(C)(2)(b) also states the Village President shall have the authority to appoint “unaffiliated applicants” under certain circumstances. This conflicts with Wis. Stat. §7.30(4), because appointments are made by the Village Board. The Village President may only make nominations for consideration by the Village Board. Additionally, this provision creates

conflict with Wis. Stat. §7.30(1)(b) which allows for a municipality to appoint an unaffiliated election official under specific circumstances, which would otherwise be prohibited by the ordinance. Accordingly, these sections should be revised if the ordinance is adopted.

#### Qualifications

Section 41.1(1)(D) addresses the qualifications of election officials and conflicts with Wis. Stat. §7.30, where the ordinance seeks to prohibit non-Kronenwetter residents from serving as election officials. Wis. Stat. §7.30(2)(a) only requires the chief inspector to be a qualified elector where they serve. Other election officials need only to be “a qualified elector of a county in which the municipality where the official serves is located. . .”

The language of Section 41.1(1)(D)(b) is also unclear and does not accurately reflect the appointment process and procedures for election officials where it states “All election workers must be nominated by the two major political parties, or through individual application by the Village Board.” The statutes do not contemplate any “application” by the Village Board, rather there are specific procedures and circumstances in Chapter 7 addressing the circumstances where the Village President may nominate individuals who are unaffiliated with any political party. (See Wis. Stat. §7.30(1)(b) and (4)(c)).

Section 41.1(1)(D)(c) states that all election officials must be available for a two year term as an election official. However, Wis. Stat. §7.30(6)(a) also specifically states that they shall hold office for not only 2 years, but until their successors are appointed and qualified, and that they must serve at every election held in their ward during that time.

Section 41.1(1)(D)(e) does not include all of the required qualifications and abilities of election officials as stated in Wis. Stat. §7.30(2)(a)

#### Tabulators

This section will require careful review if adopted, as many of the provisions proposed only apply where a community has adopted a specific absentee ballot canvassing procedure pursuant to Wis. Stat. §7.52.

#### Chief Inspectors

As to the appointment of 2 chief inspectors, as proposed in the ordinance, the Village will need to confirm that it meets the criteria for the appointment of an additional inspector pursuant to Wis. Stat. §7.30(6)(b) which only authorizes the additional appointment where there are combined wards for elections pursuant to Wis. Stat. §5.15(6)(b).

#### Special Voting Deputies

Section 41.1(4), refers to the appointment process and qualifications of special voting deputies but then states the same shall be done in accordance with Wis. Stat. §6.875. We recommend the ordinance merely reference/incorporate Wis. Stat. §6.875 to avoid any inconsistency between the ordinance and statute.

#### Training

We recommend the reference to the term of service be removed from this section, as it is addressed elsewhere in the ordinance and does not specifically relate to “training.”

### Removal.

Section 41.1(5) provides summarizes some of the reasons by which an election official may be removed but does not use the exact language of the relevant statutes, Wis. Stat. §7.30(6)(c) and 7.37(5). We recommend those statutory sections be referenced and incorporated, to avoid any inconsistency between the statutes and ordinance.

### Filling Vacancies

The process of filling vacancies is specifically outlined for the different election official positions in Chapter 7 of the Wisconsin Statutes. Accordingly, we recommend that rather than restate those requirements, as currently done in Section 41.1(6) of the ordinance, that the Village simply refers to and incorporates the applicable statutory procedures or state that the filling of vacancies will be done in accordance with the applicable statutory provisions of Chapter 7.

### **Section 41.2 Hours for Voting**

This Section has remained unchanged, and we have no comment on the same.

### **Section 41.3 Alternates**

The ordinance proposes deleting this section. If that is the case, the numbering will need to be adjusted to account for this, or the title of this section should be amended to read “RESERVED” and the text of the section removed from the Village Code.

### **Section 41.4 Automatic Vote Tabulating Equipment Testing and Use**

It is not common for municipalities to adopt an ordinance addressing the specific procedures for “Automatic Vote Tabulating Equipment.”

Sections 41.4(1)-(5) generally summarize the statutory provisions and requirements of Wis. Stat. §5.84, which specifically addresses the requirements for the testing of electronic voting systems throughout the state. It is not necessary for the Village to restate these provisions and doing so may convey inconsistent information or create conflict between the ordinance and statutes. For example, the ordinance states that the Village Clerk must provide notice of testing procedures no less than 72 hours prior to testing, however, Wis. Stat. §5.84(1) only requires 48 hour notice. Such a provision would require the Village to go above and beyond the requirements of the Wisconsin statutes. There are numerous provisions in these sections, particularly Section 41.4(1)(4), that require the Village Clerk to go beyond the statutorily mandated duties with regard to testing and which are not otherwise required by statute.

### **Section 41.5 Absentee Voting**

The proposed language of Section 41.5(1) contains statements about the nature of absentee ballot voting and the propriety of the same, that the Village Board should consider and review as a policy matter.

The Wisconsin statutes on absentee ballot voting automatically apply to the Village, such that the Village does not need to expressly declare the same. Where the ordinance does expressly incorporate the provisions of Wis. Stat. §6.84 through §6.89, it may be redundant to then summarize or specifically address those provisions again in the ordinance. As noted above, this may create ambiguities or conflicts between the two.

We have particular concern where the ordinance includes language specifically stating that ballots cast in contravention of the applicable statutes and ordinance “may not be counted.” There are specific circumstances identified in the Wisconsin statutes where absentee ballots may not be counted and very specific procedures for the same. Thus, the Village may expose itself to a challenge or risk if a ballot is rejected for reasons specified in the ordinance. We recommend removal of such language and abiding solely by the Wisconsin statutes as it relates to absentee voting. These concerns are amplified by the shifting and publicized landscapes surrounding absentee ballot voting. If the Village wishes to keep this ordinance language, it will require very careful review.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

MUNICIPAL LAW & LITIGATION GROUP, S.C.

*s/ Remzy D. Bitar*

*s/ Lucas Logic*

Remzy D. Bitar  
Lucas Logic